



Senate

General Assembly

File No. 115

February Session, 2012

Substitute Senate Bill No. 32

Senate, March 27, 2012

The Committee on Public Safety and Security reported through SEN. HARTLEY of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING STATE POLICE STAFFING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-4 of the 2012 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *from passage*):

4 (a) On or before January 2, 2013, the Legislative Program Review
5 and Investigations Committee shall conduct a study to develop
6 recommended standards for use by the Commissioner of Emergency
7 Services and Public Protection in determining the commissioner's
8 proposed level of staffing for the Division of State Police for purposes
9 of the biennial budget. The committee, in developing such standards,
10 shall consider the following: Technological improvements, federal
11 mandates and funding, statistical data on rates and types of criminal
12 activity, staffing of patrol positions, staffing of positions within the
13 division and department that do not require the exercise of police
14 powers, changes in municipal police policy and staffing and such other

15 criteria as the committee deems relevant.

16 (b) The Commissioner of Emergency Services and Public Protection
17 shall appoint and maintain a [minimum of one thousand two hundred
18 forty-eight] sufficient number of sworn state police personnel to
19 efficiently maintain the operation of the division as determined in
20 accordance with the recommended standards developed pursuant to
21 subsection (a) of this section. On or before September fifteenth of each
22 even-numbered year, the commissioner shall submit a report to the
23 joint standing committees of the General Assembly having cognizance
24 of matters relating to public safety and appropriations and the budgets
25 of state agencies, in accordance with section 11-4a, providing an
26 assessment of the number of sworn state police personnel necessary to
27 perform division operations for the biennium beginning the following
28 July first. If such report recommends a staffing level of less than one
29 thousand two hundred forty-eight sworn state police personnel, the
30 commissioner shall include in such report an assessment of the impact
31 to public safety and any potential negative impact specifically
32 attributable to such deviation in staffing level. The commissioner shall
33 appoint from among such sworn personnel not more than three
34 lieutenant colonels who shall be in the unclassified service as provided
35 in section 5-198. Any permanent employee in the classified service who
36 accepts appointment to the position of lieutenant colonel in the
37 unclassified service may return to the classified service at such
38 employee's former rank. The commissioner shall appoint not more
39 than twelve majors who shall be in the classified service. The position
40 of major in the unclassified service shall be abolished on July 1, 2011.
41 Any permanent employee in the classified service who accepts
42 appointment to the position of major in the unclassified service prior to
43 July 1, 2011, may return to the classified service at such permanent
44 employee's former rank. The commissioner, subject to the provisions of
45 chapter 67, shall appoint such numbers of captains, lieutenants,
46 sergeants, detectives and corporals as the commissioner deems
47 necessary to officer efficiently the state police force. The commissioner
48 shall establish such divisions as the commissioner deems necessary for
49 effective operation of the state police force and consistent with

50 budgetary allotments, a Criminal Intelligence Division and a state-
51 wide organized crime investigative task force to be engaged
52 throughout the state for the purpose of preventing and detecting any
53 violation of the criminal law. The head of the Criminal Intelligence
54 Division shall be of the rank of sergeant or above. The head of the
55 state-wide organized crime investigative task force shall be a police
56 officer. Salaries of the members of the Division of State Police within
57 the Department of Emergency Services and Public Protection shall be
58 fixed by the Commissioner of Administrative Services as provided in
59 section 4-40. State police personnel may be promoted, demoted,
60 suspended or removed by the commissioner, but no final dismissal
61 from the service shall be ordered until a hearing has been had before
62 said commissioner on charges preferred against such officer. Each state
63 police officer shall, before entering upon such officer's duties, be sworn
64 to the faithful performance of such duties. The Commissioner of
65 Emergency Services and Public Protection shall designate an adequate
66 patrol force for motor patrol work exclusively.

67 Sec. 2. Section 29-22 of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective from passage*):

69 The Commissioner of Emergency Services and Public Protection is
70 authorized to recruit, train and organize a volunteer police auxiliary
71 force for the purpose of providing emergency services throughout the
72 state for peacetime or wartime emergencies or threatened emergencies
73 and for augmenting the state police force in such manner as the
74 Commissioner of Emergency Services and Public Protection may deem
75 appropriate. Such volunteer police auxiliary force shall at all times be
76 under the direction of said commissioner and subject to the rules and
77 regulations of the Division of State Police within the Department of
78 Emergency Services and Public Protection. [The total membership of
79 the auxiliary force shall not exceed in number twice the authorized
80 strength prescribed in section 29-4 for the state police, and such] Such
81 auxiliary force may be equipped with uniforms prescribed by the
82 commissioner and delegated special police powers for specific
83 emergency police duties. The commissioner may, within available

84 appropriations, provide subsistence and maintenance to the volunteer
85 police auxiliary force when called to duty. In the event of participation
86 in emergency services, the members of the volunteer police auxiliary
87 force shall have the same immunities and privileges as apply to the
88 organized militia and to the regular members of the Division of State
89 Police. All members of the volunteer police auxiliary force shall be
90 compensated for death, disability or injury incurred while in training
91 for or on auxiliary state police duty under the provisions of this section
92 as follows: (1) Employees of the state, municipalities or political
93 subdivisions of the state who are members of the volunteer police
94 auxiliary force and for whom such compensation is provided by any
95 provision of existing law shall be construed to be acting within the
96 scope of their employment while in training for or engaged in auxiliary
97 state police duty and shall be compensated in accordance with the
98 provisions of chapter 568 and sections 5-142 and 5-144. (2) Any persons
99 who are engaged in regular employment apart and separate from their
100 duties as members of the volunteer police auxiliary force and for
101 whom such compensation is not so provided shall, while in training
102 for or engaged in duties under the provisions of this section, be
103 construed to be employees of the state for the purpose of chapter 568
104 and sections 5-142 and 5-144, and shall be compensated by the state in
105 accordance with the provisions of said chapter and sections.

106 Sec. 3. Subsection (a) of section 29-1s of the 2012 supplement to the
107 general statutes is repealed and the following is substituted in lieu
108 thereof (*Effective from passage*):

109 (a) (1) Wherever the term "Department of Public Safety" is used in
110 the following general statutes, the term "Department of Emergency
111 Services and Public Protection" shall be substituted in lieu thereof; and
112 (2) wherever the term "Commissioner of Public Safety" is used in the
113 following general statutes, the term "Commissioner of Emergency
114 Services and Public Protection" shall be substituted in lieu thereof: 1-
115 24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-
116 142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f, 5-192t, 5-246, 6-32g, 7-169,
117 7-285, 7-294f to 7-294h, inclusive, 7-294l, 7-294n, 7-294y, 7-425, 9-7a, 10-

118 233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10,
 119 14-64, 14-67j, 14-67m, 14-67w, 14-103, 14-108a, 14-138, 14-152, 14-163c,
 120 14-211a, 14-212a, 14-212f, 14-219c, 14-227a, 14-227c, 14-267a, 14-270c to
 121 14-270f, inclusive, 14-283, 14-291, 14-298, 14-315, 15-98, 15-140r, 15-
 122 140u, 16-256g, 16a-103, 17a-105a, 17a-106a, 17a-500, 17b-90, 17b-137,
 123 17b-192, 17b-225, 17b-279, 17b-490, 18-87k, 19a-112a, 19a-112f, 19a-
 124 179b, 19a-409, 19a-904, 20-12c, 20-327b, 21a-36, 21a-283, 22a-2, 23-8b,
 125 23-18, 26-5, 26-67b, 27-19a, 27-107, 28-25b, 28-27, 28-27a, 28-30a, 29-1c,
 126 29-1e to 29-1h, inclusive, 29-1q, 29-1zz, 29-2, 29-2a, 29-2b, 29-3a, [29-3b,]
 127 29-4a, 29-6a, 29-7, 29-7b, 29-7c, 29-7h, 29-7m, 29-7n, 29-8, 29-9, 29-10,
 128 29-10a, 29-10c, 29-11, 29-12, 29-17a, 29-17b, 29-17c, 29-18 to 29-23a,
 129 inclusive, 29-25, 29-26, 29-28, 29-28a, 29-30 to 29-32, inclusive, 29-32b,
 130 29-33, 29-36f to 29-36i, inclusive, 29-36k, 29-36m, 29-36n, 29-37a, 29-37f,
 131 29-38b, 29-38e, 29-38f, 29-108b, 29-143i, 29-143j, 29-145 to 29-151,
 132 inclusive, 29-152f to 29-152j, inclusive, 29-152m, 29-152o, 29-152u, 29-
 133 153, 29-155d, 29-156a, 29-161g to 29-161i, inclusive, 29-161k to 29-161m,
 134 inclusive, 29-161o to 29-161t, inclusive, 29-161v to 29-161z, inclusive,
 135 29-163, 29-164g, 29-166, 29-176 to 29-179, inclusive, 29-179f to 29-179h,
 136 31-275, 38a-18, 38a-356, 45a-63, 46a-4b, 46a-170, 46b-15a, 46b-38d, 46b-
 137 38f, 51-5c, 51-10c, 51-51o, 51-277a, 52-11, 53-39a, 53-134, 53-199, 53-202,
 138 53-202b, 53-202c, 53-202g, 53-202l, 53-202n, 53-202o, 53-278c, 53-341b,
 139 53a-3, 53a-30, 53a-54b, 53a-130, 53a-130a, 54-1f, 54-1l, 54-36e, 54-36i, 54-
 140 36n, 54-47aa, 54-63c, 54-76l, 54-86k, 54-102g to 54-102j, inclusive, 54-
 141 102m, 54-102pp, 54-142j, 54-222a, 54-240, 54-240m, 54-250 to 54-258,
 142 inclusive, 54-259a, 54-260b, and 54-300.

143 Sec. 4. Section 29-3b of the general statutes is repealed. (*Effective from*
 144 *passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	29-4
Sec. 2	<i>from passage</i>	29-22
Sec. 3	<i>from passage</i>	29-1s(a)
Sec. 4	<i>from passage</i>	Repealer section

Statement of Legislative Commissioners:

Section 3 was added to delete a reference to a statute proposed for repeal.

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Department of Emergency Services and Public Protection	GF - Cost Avoidance	(6,268,301)	
Department of Emergency Services and Public Protection	GF - Unrealized Savings		6,993,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost Avoidance	(2,581,367)	(2,094,443)

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill is anticipated to preclude a net cost of \$8.8 million in FY 13 and a net savings of \$4.8 million in FY 14 as a result of removing the minimum mandatory staffing level of 1,248 sworn state troopers. This estimate takes into account the cost of hiring and training an additional 168 troopers to bring the staffing up to the current mandatory minimum plus the impact that the additional troopers will have on overtime spending. The analysis assumes that the current staffing level of 1,080 troopers will be maintained through FY 13 and 14. As a result, there will be no reduction in overtime costs related to additional troopers.

Estimated Cost to Hire 168 Troopers to Meet Statutory Minimum

The table below shows the costs of hiring an additional 168 troopers including salaries, meals, supplies, vehicle costs, fringe benefits, and the savings related to a reduction in overtime due to

¹ The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated non-pension fringe benefit cost associated with most personnel changes is 29.22% of payroll in FY 13 and FY 14.

additional staff. By removing the minimum staffing level, the costs and savings identified in the table below will not be realized.

Fiscal Impact of Hiring 168 State Troopers
(This bill precludes costs and savings shown below)

	FY 13	FY 14
DESPP		
Salaries	8,136,707	8,401,848
Overtime Savings	(7,986,462)	(17,304,000)
Other Expenses	6,118,056	1,909,152
Total	6,268,301	(6,993,000)
Fringe Account		
Increase	3,192,331	3,418,199
Decrease	(610,964)	(1,323,756)
Total	2,581,367	2,094,443
Total State Impact	8,849,668	(4,898,557)
	Costs associated with additional troopers	Savings associated with additional troopers

There are no anticipated costs to Program Review and Investigation to study the necessary trooper staffing level.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Core-CT Financial Accounting System

OLR Bill Analysis**sSB 32*****AN ACT CONCERNING STATE POLICE STAFFING.*****SUMMARY:**

This bill eliminates the 1,248 minimum state police trooper staffing requirement and instead requires the Department of Emergency Services and Public Protection (DESPP) commissioner to set the number of officers the State Police needs to function efficiently. It requires the Legislative Program Review and Investigations Committee, by January 2, 2013, to recommend standards the commissioner must use in setting the number. (It is unclear what standards he must use between the date when the bill passes and the date the committee reports.)

Biennially, beginning by September 15, 2012, the bill requires the commissioner to submit to the Appropriations and Public Safety and Security committees an assessment of the number of police officers the Division of the State Police needs for the biennium beginning the following July 1. If he recommends fewer than 1,248 officers, he must include an assessment of the impact on public safety and any potential negative impact specifically attributable to the lower number. The bill eliminates a requirement for the commissioner to report annually on troop projections to the committees and inform them of the need to authorize a trooper trainee class.

The bill eliminates a provision capping the number of auxiliary officers at twice the authorized strength of sworn police officers. (As of February, there were 50 auxiliary officers on staff. They mainly help disabled motorists, help with traffic control at accident scenes, and perform administrative functions.)

Finally, the bill makes a technical change.

EFFECTIVE DATE: Upon passage

LPRIC STUDY

The bill requires LPRIC to conduct a study to develop standards that the DESPP commissioner must use to set the State Police staffing level when the bill passes and for purposes of the biennial budget. In developing the standards, the committee must consider:

1. technological improvements,
2. federal mandates and funding,
3. statistical data on crime rates and type,
4. patrol staffing positions,
5. staffing of positions within the State Police and DESPP that do not require the exercise of police powers,
6. changes in municipal police policy and staffing, and
7. other criteria LPRIC deems relevant.

BACKGROUND

Court Case

A Superior Court judge, on January 13, 2012, ruled that the current trooper staffing provision in statute is mandatory. Thus, DESPP must have at least 1,248 sworn officers on staff. The decision came in response to a challenge by the state police union that DESPP's failure to maintain the minimum number of officers violated state law (*Connecticut State Police Union v. Commissioner of the Department of Emergency Services and Public Protection*, Doc. No. HHD CV 116024776, (2012)). The case is on appeal.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 13 Nay 10 (03/13/2012)